



California Regional Water Quality Control Board

San Francisco Bay Region



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Arnold Schwarzenegger
Governor

orig

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Return Receipt Requested

Date: JUN 23 2004
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Mr. Bijan Sartipi
District 4
California Department of Transportation
111 Grand Avenue
Oakland, CA 94612-3006

Subject: WASTE DISCHARGE REQUIREMENTS AND WATER QUALITY CERTIFICATION
FOR CALIFORNIA DEPARTMENT OF TRANSPORTATION, DEVIL'S SLIDE
TUNNEL PROJECT, COUNTY OF SAN MATEO

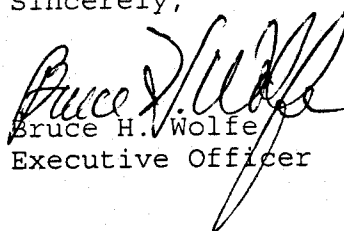
Dear Mr. Sartipi:

Enclosed please find a copy of Order No. R2-2004-0044, which was
adopted by the Regional Board on June 16, 2004.

Please note the various required submittals and due dates for reports
and plans that are a part of the Order.

Please contact Carmen Fewless of my staff at 510-622-2316 or via email
crf@rb2.swrcb.ca.gov if you have any questions on this matter. We
look forward to working with you.

Sincerely,


Bruce H. Wolfe
Executive Officer

Enclosure: Order No. R2-2004-0044

Cc (with enclosure):

David Yam, CalTrans District 4
John Yeakel, USACOE
Mike Schaller, San Mateo County Planning Division
Fred Botti, California Department of Fish and Game

Preserving, enhancing, and restoring the San Francisco Bay Area's waters for over 50 years

CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
SAN FRANCISCO BAY REGION

ORDER No. R2-2004-0044

WATER QUALITY CERTIFICATION NO. 02-41-C0419

WASTE DISCHARGE REQUIREMENTS AND WATER QUALITY CERTIFICATION FOR:

CALIFORNIA DEPARTMENT OF TRANSPORTATION

DEVIL'S SLIDE TUNNEL PROJECT, COUNTY OF SAN MATEO

The California Regional Water Quality Control Board, San Francisco Bay Region, hereinafter Board, finds that:

1. The California Department of Transportation (hereinafter Caltrans), submitted a Report of Waste Discharge (ROWD) to the Board for the Devil's Slide Tunnel Project (hereinafter, the Project). Caltrans proposes to bypass the geologically unstable area of Route 1 at Devil's Slide in San Mateo County with twin bridges and a 4,000 foot long double bore tunnel through San Pedro Mountain with connections to the existing Route 1 at each end. The Project will be located on the San Mateo County coast between the Town of Montara and Rockaway Beach in the City of Pacifica.
2. Since the construction of the existing Devil's Slide portion of Route 1 in 1937, this section of the roadway has been subject to road closures from landslides, rock falls and subsiding grade, which results in diminished roadway width. Despite drainage improvements, pavement reinforcements and rock anchors, this segment of the roadway continues to experience problems and closures which create an inconvenience to coastal residents and economic impacts to coastal families and businesses.
3. Because the cost of maintaining the unstable roadway in the future will continue to escalate with subsequent slide activities, and coupled with the continuous closures at Devil's Slide, Caltrans and the Federal Highway Administration have sought a permanent solution that provides a stable and safe roadway for this portion of Route 1. The tunnel alternative is consistent with restricting Route 1 to a two-lane facility and provides for separate bicycle/pedestrian movements outside the tunnel facility.

Project Description and Impacts

4. The segment of Route 1 included in the Devil's Slide Tunnel Project is located between Rockaway Beach in the City of Pacifica, and the Town of Montara in San Mateo County.

Leaving Pacifica, the existing road rises through a eucalyptus grove for about one mile and emerges from the grove, on a right turn, to a view of the Shamrock Valley below, and San Pedro Mountain ahead. The road continues westerly for about 2,700 feet through a cut in the coastal bluff; a sharp turn to the south provides a sudden view of the Devil's Slide Cliffs 330 feet below the road and the San Pedro Mountain Cliffs 650 feet above the road. Continuing south, one encounters numerous slide areas along the 3,280 foot section of twisting road and finally Devil's Slide itself where, over time, the road has dropped over 64 feet. This slide-prone section has a chain link fence on the slopes for rock fall protection, and concrete barriers on both sides, to provide additional rock fall protection on the uphill side and a barrier to inhibit motorists from driving off the cliff on the downhill side. Leaving the Devil's Slide area the road continues south in a curvilinear alignment along the coast for about four miles to the Town of Montara.

5. To ensure public safety, Caltrans will bypass this geologically unstable region with twin bridges and a 4,000-foot long double bore tunnel through San Pedro Mountain. The North approach road will be approximately 1,500 feet long including two 1,050-foot long parallel bridges. The South approach road will be 1,000 feet long. Proceeding south from Pacifica, the alignment will depart from the existing Route 1 along two bridge structures up a 7% uphill grade crossing the valley at Shamrock Ranch. The alignment will then pass through a small ravine entering the tunnel through San Pedro Mountain sloping to the south at 2% grade and exiting just south of Devil's Slide area where it will rejoin the existing Route 1. At their highest point, the bridges will be approximately 125 feet above the valley floor of Shamrock Ranch. Each tunnel will be approximately 30 feet wide including 4-foot wide interior walkways on both tunnels, a 12-foot wide travel lane, and, 8-foot wide and 2-foot wide shoulders. The tunnel excavation will generate approximately 550,000 cubic yards of material, which will be placed at a South disposal site near the South approach. The Project also includes tunnel infrastructure systems needed for safety and operations such as tunnel control, tunnel surveillance, traffic control, communications, emergency evacuation, environmental monitoring, and tunnel maintenance. A tunnel operations and maintenance center (OMC) will be located approximately 1,800 feet south of the tunnel at the South disposal area.

6. The Project also includes the South Rock Cut that consists of excavating the existing west slope area located just south of the South Portal area, along the east side of Route 1. The cut is required for safe sight distance along the new road alignment where the new road leaves Route 1 and connects to the South Portals. The cut will also provide a construction access road adjacent to Route 1. This road will be used to haul excavated material from the tunnel to the Fill Disposal area without disrupting existing traffic on Route 1 during Project construction.

7. The North Portal area is located in a steep watershed area of the Shamrock Ranch. It has steeply sloping drainages dominated by dense coastal scrub habitat. The drainages flow toward the main ranch area and converge in a valley that has been altered because of previous land clearing and the disposal of mulch and organic material. Within this valley area, there are two ponds (North and South Ponds) that were developed in the mid-1950s, when the

existing drainages were impounded to form stock or irrigation ponds. One of those ponds is spring fed and contains water year round.

8. A steep natural drainage supporting riparian vegetation is located just east of the South Portal area. The uphill portion of this drainage is very steep and has a small cascading waterfall during the winter and spring. This drainage discharges to a depression formed by the existing Route 1 roadway embankment and drains through a standpipe and culvert and then to the ocean.

9. Project construction will occur over a five-year period. Construction of the Project will be divided among seven separate major contracts as follows: 1) Early Contract, 2) Tunnel Work 3) Bridge Work, 4) OMC Building Contract, 5) Off-Site Contract, 6) Post Earthwork Contract, and 7) Post Tunnel Contract (Shamrock Ranch).

10. This Order applies to the permanent and temporary, direct and indirect impacts to waters of the State and waters of the United States associated with the Project, which is comprised of the Project components listed above. Total direct permanent and temporary Project impacts to waters of the State and waters of the United States are approximately 0.97 acre. These impacts occur in wetlands, sub surface seepages and intermittent coastal drainages. The majority of Project impacts will occur at the North Portal area within Shamrock Ranch due to the construction of temporary roads and pier foundations for the North Approach. Relatively minor impacts to other wetland areas at the South Portal and OMC building site will also occur.

11. The Project's direct permanent impacts include elimination of approximately 0.30 acre of seasonal wetland, and approximately 0.53 acre of intermittent coastal drainage. The Project's direct temporary impacts during construction include approximately 0.07 acre of intermittent coastal drainage, and approximately 0.07 acre of sub surface seepage, for a total of 0.97 acre of impacts.

12. Caltrans has applied to the United States Army Corps of Engineers (Corps) for Nationwide Permits Nos. 14 (Linear Transportation Projects), 27 (Wetland and Riparian Restoration and Creation Activities), 33 (Temporary Construction, Access and Dewatering), and 39 (Residential, Commercial, and Institutional Developments) pursuant to Section 404 of the Clean Water Act (33 USC 1344) for the Project.

13. Due to possible project impacts to the California Red Legged Frog (CRLF), the United States Fish and Wildlife Service (USFWS) requested that Caltrans build a new frog pond at Shamrock Ranch and relocate the CRLF from the North Pond to the newly created pond. In October 2000, Caltrans created a 0.04-acre pond and relocated the CRLF. With these measures in place, USFWS determined that the Project was not likely to jeopardize the continued existence of the CRLF or destroy or adversely modify its proposed critical habitat.

14. To mitigate for the Project's permanent and temporal impacts to habitat, Caltrans plans to implement measures on-site, as well as off-site at a location named the Charthouse Mitigation Site located within the Montara Mountain Watershed, south of the Project site and east of Route 1. This site is owned by the Peninsula Open Space Trust (POST). For mitigation

purposes, Caltrans considers both temporal and permanent impacts as if they were permanent impacts, and will complete the mitigation described in the "*Final Draft Devil's Slide Tunnel Project State Highway 1, San Mateo County California Wetlands Report*" (hereinafter Mitigation and Monitoring Plan), dated April 05, 2004, and the Mitigation and Monitoring Plan's associated documents. Although Caltrans labeled these plans and other documents as Draft plans, they were submitted as part of the final ROWD package. Therefore, the Board considers these documents as Caltrans' final proposal for the Project.

15. The Mitigation and Monitoring Plan provides for the creation of 1.19 acres of wetlands, the restoration of 3.40 acres of wetland habitat, and 0.50 acre of wetland enhancement. The off-site mitigation will take place in the same watershed in which the Project's impacts occur, is designed to stabilize and improve the conditions of the watershed, and will be initiated by August 01, 2005. Caltrans will obtain easements from POST to implement the Mitigation and Monitoring Plan no later than July 01, 2005. The Mitigation and Monitoring Plan provides specified success criteria, a maintenance program and a monitoring plan. The Mitigation and Monitoring Plan is acceptable to the Board, with the required submittals and revisions as described in Provisions 3, 4, 5, and 6 of this Order.

16. The proposed mitigation consists of the following:

- a. On-site Mitigation: Shamrock Ranch -- Creation and Restoration. After consultation with the USFWS, Caltrans created a 0.04-acre pond, with wetland habitat, to serve as the relocation site for CRLF. Caltrans will restore 0.49 acres of wetland, which includes some of the areas affected by construction. Caltrans will plant higher value wetland plant species and control invasive plant species; perform contour grading surrounding upland areas disturbed during construction to blend in with the adjacent area and stabilizing these areas with native grasses and forbs; and repairing and restoring the face of an existing earthen dam impoundment of the South Pond to ensure that the pond continues to function as a viable wetland habitat. The created wetlands and buffer zones will be preserved under a perpetual conservation easement to be recorded prior to commencement of construction. The restoration efforts will involve temporal impacts to existing jurisdictional areas; these impacts will be mitigated by implementation of the Mitigation and Monitoring Plan and are not considered permanent impacts.
- b. Offsite Mitigation: Charthouse Mitigation Site -- Creation and Restoration. Caltrans will create 1.15 acres of wetlands on the western portion of the site, where fill material, possibly associated with railroad berm installation, has created an upland area that contains decomposed granite where no hydrophytic vegetation is currently supported. It will also restore 2.91 acres of existing wetland previously disturbed by agricultural activities and the placement of fill. Caltrans will eradicate invasive plant species, and seed and plant wetland vegetation. Caltrans will also restore upland vegetation next to riparian buffer zone areas within the site in order to provide foraging habitat for wildlife and long-term erosion and sediment control. The newly created wetland and riparian areas, as well as the restored ones, will be planted with targeted wetland and riparian plant species, enhancing the habitat value of the site.

The restored and created riparian areas along with buffer zones will be preserved under a perpetual conservation easement to be recorded no later than July 01, 2005.

17. Operation and maintenance of the Project's tunnels, bridges, and access roads will indirectly impact beneficial uses through the discharge of polluted storm water and other urban runoff pollutants (e.g., oil and grease, heavy metals, nutrients, etc.). Therefore, to address the Project's construction and post-construction stormwater impacts, Caltrans has prepared the "*Draft Water Quality Management Plan for Devil's Slide Tunnel Project*", dated January 2004; it describes the following:

- a. For treatment of roadway runoff from the South Portals to the OMC facility, a water quality detention basin will be used in conjunction with an existing detention basin to treat the roadway water on the south side of the Project as a permanent control measure. A temporary sediment trap used in the early contract will be modified to become this water quality basin. The roadway water will be conveyed via open ditch to the water quality basin adjacent to the existing drainage detention basin. The impervious area that will be treated at the water quality basin is 118,405 ft². The basin will treat 92,945 ft² of new paved bridge decks and 25,460 ft² of existing roadway. The water quality volume for the detention basin is 9,676 ft³. The treatment basin will treat roadway waters, and contain a minimum of 85% of inflow of the water quality volume for a minimum of 37 hours. The treated water will flow to the existing detention basin and then will be discharged to the other side of highway through a 24-inch reinforced concrete pipe (RCP). The existing detention basin, equipped with a riser, will meter the flow to reduce erosion of the slope at the outfall. The existing detention basin will be used primarily to collect and meter out natural flow from the watershed and from construction slopes once vegetation has been well established.
- b. For treatment of roadway runoff from the North Portals to the existing detention basin adjacent to Shamrock Ranch, a water quality basin on Shamrock Ranch will be located opposite of an existing Caltrans detention basin. A combination of new and existing roadway runoff will be conveyed to a northern location within the ranch. The impervious area that will be treated at the water quality basin is 105,430 ft². The basin will treat 42,570 ft² of new paved bridge decks and 62,860 ft² of existing roadway. The water quality volume for the detention basin is 25,990 ft³. The treatment basin will treat roadway waters, and contain a minimum of 85% of inflow of the water quality volume for a minimum of 37 hours. Discharge from the basin will flow through existing vegetated swales in the ranch that are sized for 100-year storm events. Flows from the ranch swales eventually discharge into an existing bioswale located adjacent to San Pedro Road. From there, the treated flow will discharge into San Pedro Creek. Collectively, runoff will be subject to primary (water quality basin) and secondary (existing vegetated swales) treatment before further treatment in the bioswale adjacent to San Pedro Creek. Potential scouring is mitigated by metering of flows from the water quality basin and lengthy travel through large vegetated swales 1,740 ft prior to discharge into the bioswale.

18. The Board has determined to regulate the proposed discharge of fill materials into waters of the State by issuance of Waste Discharge Requirements (WDRs) pursuant to Section 13263 of the California Water Code (CWC) and 23 CCR §3857, in addition to issuing certification pursuant to 23 CCR §3859. The Board considers WDRs necessary to adequately address impacts and mitigation to beneficial uses of waters of the State from the Project, to meet the objectives of the California Wetlands Conservation Policy (Executive Order W-59-93), and to require appropriate changes in provisions over the life of the Project and its construction should the Project's proposed and/or actual discharges change.

19. The Board, on June 21, 1995, adopted, in accordance with Section 13240 et seq. of the CWC, a revised Water Quality Control Plan, San Francisco Bay Basin (Basin Plan). This updated revised Basin Plan was approved by the State Water Resources Control Board and the Office of Administrative Law on July 20, 1995, and November 13, 1995, respectively. A summary of regulatory revisions is contained in 23 CCR § 3912. The Basin Plan defines beneficial uses and water quality objectives for waters of the State, including surface waters and groundwater. This Order is in compliance with the Basin Plan.

20. The Project is located within the San Mateo Coastal Basin. The San Mateo Coastal Basin has the following existing beneficial uses defined in the Basin Plan: agricultural supply, cold freshwater habitat, fish migration, preservation of rare and endangered species, non-contact water recreation, shellfish harvesting, fish spawning, warm freshwater habitat and wildlife habitat.

21. Chapter 4, page 4-50 of the Basin Plan regarding wetland fill establishes that there is to be no net loss of wetland acreage and no net loss of wetland value when the project and any proposed mitigation are evaluated together, and that mitigation for wetland fill projects is to be located in the same area of the Region, whenever possible, as the project. The Basin Plan further establishes that wetland disturbance should be avoided whenever possible, and if not possible, should be minimized, and only after avoidance and minimization of impacts should mitigation for lost wetlands be considered.

22. The goals of the California Wetlands Conservation Policy (Executive Order W-59-93, signed August 23, 1993) include ensuring "no overall loss" and achieving a "...long-term net gain in the quantity, quality, and permanence of wetland acreage and values...." Senate Concurrent Resolution No. 28 states that "[i]t is the intent of the legislature to preserve, protect, restore, and enhance California's wetlands and the multiple resources which depend on them for benefit of the people of the State." Section 13142.5 of the CWC requires that the "[h]ighest priority shall be given to improving or eliminating discharges that adversely affect...wetlands, estuaries, and other biologically sensitive areas."

23. This Order applies to the temporary and permanent fill and indirect impacts to waters of the State and the United States associated with the Project, which is comprised of the components listed in Finding 9. Construction of the Project will result in the placement of fill in and/or disturbance of 0.97 acres of jurisdictional waters, including wetlands, sub surface seepages and intermittent drainages.

24. Caltrans has submitted the "*Devil's Slide Tunnel Project 404(b) 1 Alternatives Analysis*", dated April 05, 2004, to show that the discharge constitutes the least environmentally damaging practicable alternative that will achieve the basic project purpose, as required by the Basin Plan. Further, Caltrans has demonstrated that where avoidance of impacts to waters is not possible, and that impacts have been fully minimized, then adequate mitigation for the loss of waterbody acreage and functions were achieved. The Board concurs with the conclusions of the Alternatives Analysis.

25. With the successful implementation of the mitigation measures described in these findings, the Board finds that the Project will comply with the Basin Plan wetland fill requirements and California Wetlands Conservation Policy referenced in Findings 21 and 22.

26. The California Environmental Quality Act (CEQA) requires all discretionary projects approved by public agencies to be in full compliance with CEQA, and requires a lead agency to prepare an appropriate environmental document (e.g., Environmental Impact Report or Negative Declaration) for such projects. On June 13, 2003, the Caltrans District 04 Office certified the Final Environmental Impact Report. The Board, as responsible agency, finds the Final EIR to be adequate and has considered the environmental impacts analyzed therein. The Board further finds, after review of the Project's environmental documents that all environmental impacts have been identified for the project activities which it is required to approve, and that with compliance with the conditions of this Order, that mitigation measures and/or alternatives have been incorporated to reduce those impacts to a level of insignificance. Pursuant to 23 CCR § 3857 and § 3859, the Board is issuing WDRs and Water Quality Certification for the Project as described herein.

27. The Board has notified the Corps, the County, California Department of Fish and Game (CDFG), and other interested agencies and persons of its intent to prescribe WDRs and Water Quality Certification for this discharge.

28. The Board, in a public meeting, heard and considered all comments pertaining to the discharge.

IT IS HEREBY ORDERED that Caltrans, in order to meet the provisions contained in Division 7 of the California Water Code and the regulations adopted thereunder, shall comply with the following, pursuant to authority under CWC Sections 13263 and 13267:

A. Discharge Prohibitions

1. The direct discharge of debris, soil, silt, sand, cement, concrete, or washings thereof, or other construction related materials or wastes, oil or petroleum products or other organic or earthen material into surface waters or at any place where it may be washed from the Project site by rainfall or runoff into waters of the State is prohibited. When operations are completed, any excess material shall be removed from the Project work area and any areas adjacent to the work area where such material may be washed into waters of the State.

2. The wetland fill activities subject to these requirements shall not cause a nuisance as defined in CWC §13050(m).
3. The groundwater in the vicinity of the Project shall not be degraded as a result of the Project activities or placement of fill for the Project.
4. The discharge of materials other than storm water, which are not otherwise regulated by a separate NPDES permit or allowed by this Order to waters of the State, is prohibited.

B. Receiving Water Limitations

1. The discharges shall not cause the following conditions to exist in waters of the State at any place:
 - a. Floating, suspended, or deposited macroscopic particulate matter or foam in concentrations that cause nuisance or adversely affect beneficial uses;
 - b. Bottom deposits or aquatic growths to the extent that such deposits or growths cause nuisance or adversely affect beneficial uses;
 - c. Alteration of temperature, turbidity, or apparent color beyond present natural background levels;
 - d. Visible, floating, suspended, or deposited oil or other products of petroleum origin; and,
 - e. Toxic or other deleterious substances to be present in concentrations or quantities which will cause deleterious effects on wildlife, waterfowl, or other aquatic biota, or which render any of these unfit for human consumption, either at levels created in the receiving waters or as a result of biological concentration.
2. The discharges shall not cause nuisance, or adversely affect the beneficial uses of the receiving water.
3. The discharges shall not cause the following limits to be exceeded in waters of the State at any one place within one foot of the water surface:
 - a. Dissolved Oxygen: 5.0 mg/L, minimum

The median dissolved oxygen concentration for any three consecutive months shall not be less than 80% of the dissolved oxygen content at saturation. When natural factors cause concentrations less than that specified above, then the discharges shall not cause further reduction in ambient dissolved oxygen concentrations.
 - b. Dissolved Sulfide: 0.1 mg/L, maximum

- c. pH: The pH shall not be depressed below 6.5 nor raised above 8.5, nor caused to vary from normal ambient pH by more than 0.5 pH units.
- d. Un-ionized Ammonia: 0.025 mg/L as N, annual median; and
0.16 mg/L as N, maximum
- e. Nutrients: Waters shall not contain biostimulatory substances in concentrations that promote aquatic growths to the extent that such growths cause nuisance or adversely affect beneficial uses.

C. Discharge Provisions

1. Caltrans shall comply with all Prohibitions, Receiving Water Limitations, and Provisions of this Order immediately upon adoption of this Order or as provided below.
2. Caltrans shall submit copies of all necessary approvals and/or permits for the Project and mitigation projects from applicable government agencies, including, but not limited to, CDFG, National Marine Fisheries Service, USFWS, the California Coastal Commission, the County of San Mateo and the Corps, and shall submit copies of such approvals and/or permits to the Board's Executive Officer prior to the start of construction activity.
3. Caltrans shall fully implement its submitted plans, as modified herein, and plans required to be submitted in the future and that are accepted by the Executive Officer or approved by the Board (e.g., construction Storm Water Pollution Prevention Plans, its Final Water Quality Management Plan, dewatering plans, Final Mitigation and Monitoring Plan, etc.).
4. Caltrans shall perform monitoring and maintenance of the mitigation sites until the regulatory agencies, noted in Provision 2 above, concur that success criteria have been achieved and the mitigation has been successfully completed, but for not less than a period of five years and no less than a period of two years after any mitigation habitat irrigation systems have been terminated.
5. Caltrans shall submit annual mitigation monitoring reports acceptable to the Regional Board Executive Officer no later than June 15 of each year until the Mitigation and Monitoring Plan has been successfully completed, but for not less than a period of five years and no less than a period of two years after any mitigation habitat irrigation systems have been terminated. If the mitigation and monitoring program indicates that establishment of the habitat is not progressing in a manner or rate consistent with the success criteria proposed, the annual mitigation monitoring reports shall evaluate the probable cause(s) of any problems and propose appropriate corrective measures.
6. Not later than 60 days following adoption of this Order, Caltrans shall submit a Final Mitigation and Monitoring Plan which modifies the Mitigation and Monitoring Plan and is

consistent with the requirements of this Order, including dates, deadlines and provide for mitigation monitoring and maintenance until the regulatory agencies concur that the mitigation has been successfully completed. The Final Mitigation and Monitoring Plan shall be subject to the review and approval of the Executive Officer. This Final Mitigation and Monitoring Plan may be amended subject to the review and approval of the Executive Officer.

7. Caltrans shall demonstrate to the satisfaction of the Executive Officer no later than July 01 2005, that it has acquired sufficient legal authority over the land at the proposed Charthouse Mitigation Site to carry out the wetland creation and restoration activities described in its Final Mitigation and Monitoring Plan. If Caltrans fails to meet this requirement, any disturbance or discharges to wetlands, in excess of the 0.18-acre to be disturbed during the first year of construction, are prohibited until Caltrans makes that demonstration. If it is determined that the Charthouse Mitigation Site is not available, Caltrans shall then identify other potential mitigation sites and shall convene an interagency group to determine the acceptability of those sites, including timing and acreage of alternative mitigation, and acceptable proposed plans for construction. The alternative mitigation and monitoring plan shall be brought before the Board for its approval. Construction may not begin at any alternative mitigation sites until the sites and plans have received approval by the Board.

8. Not later than 60 days following adoption of this Order, Caltrans shall submit, acceptable to the Executive Officer, a Final Water Quality Management Plan for implementation of post-construction stormwater treatment measures.

9. As soon as feasible following contract award for each phase of construction and, and not later than 30 days prior to the beginning of construction activity for that project phase, Caltrans shall submit, acceptable to the Executive Officer, a Storm Water Pollution Prevention Plan (SWPPP) to adequately address the Project's expected construction impacts. SWPPPs may be submitted separately for each phase of construction, but must all be submitted, acceptable to the Executive Officer, at least 30 days prior to beginning of each phase of construction activity.

10. Caltrans shall submit, no later than 30 days prior to the beginning of construction of a project phase in which dewatering is taking place, a dewatering plan, acceptable to the Executive Officer, that includes a description of how it will address and obtain appropriate approvals for its proposed discharges. The dewatering plan shall include a description of dewatering locations; an estimate or estimates of discharge rates and volumes; a listing of expected pollutants and concentrations; the expected timing and scheduling of the proposed discharges; and, all other information, as appropriate to mitigate for dewatering impacts (e.g., measures to mitigate the potential for erosion caused by dewatering discharges at their outfall(s)).

11. Caltrans shall notify the Board immediately whenever violations of this Order are detected.

12. Caltrans shall maintain a copy or copies of this Order at the Project site so as to be available at all times to site operating personnel.

13. Caltrans is considered to have full responsibility for correcting any and all problems that arise in the event of a failure that results in an unauthorized release of waste or wastewater from the Project.

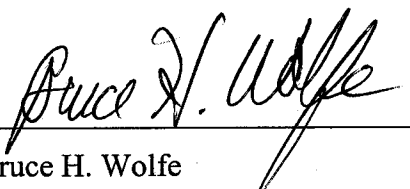
14. Caltrans shall maintain all devices and/or designed features installed in accordance with this Order such that they function without interruption for the life of the Project.

15. Caltrans shall permit the Board or its authorized representative, upon presentation of credentials:

- a. Entry onto to premises on which wastes are located and/or in which records are kept.
- b. Access to copy any records required to be kept under the terms and conditions of this Order.
- c. Inspection of any treatment equipment, monitoring equipment, construction area(s), or monitoring method completed as part of the Project.
- d. Sampling of any discharge or surface water covered by this Order.

16. This Order does not authorize commission of any act causing injury to the property of another or of the public; does not convey any property rights; does not remove liability under federal, state, or local laws, regulations or rules of other programs and agencies; nor does this Order authorize the discharge of wastes without appropriate permits from this agency or other agencies or organizations.

I, Bruce H. Wolfe, Executive Officer, do hereby certify that the foregoing is a full, complete, and correct copy of an Order adopted by the California Regional Water Quality Control Board, San Francisco Bay Region, on June 16, 2004.



Bruce H. Wolfe
Executive Officer